

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

STATE OF MISSISSIPPI

v.

CRIMINAL ACTION NO. 5:06-CR-0031 DCB JCS

JEROME TIMMONS

**ORDER OF DISMISSAL WITH PREJUDICE AND
FINDING OF LACK OF PROBABLE CAUSE**

THIS CAUSE is before the Court for a determination of whether there is probable cause to allow this matter to proceed following removal from the Circuit Court of Jefferson County, Mississippi in Cause No. 2006-17KR pursuant to the Federal Officer Removal Statute, 28 U.S.C. 1442(a)(1).

The defendant herein, Jerome Timmons, is a Ranger with the National Park Service of the United States. A misdemeanor prosecution was instituted by D.W. Jackson in state court against Ranger Timmons for alleged actions during the course of his duties as a federal law enforcement officer. The United States Attorney's Office, as counsel for Ranger Timmons, removed the case to this court after attempts to obtain a dismissal in state court were unsuccessful. Removal was therefore proper, and the Court had jurisdiction over this removed criminal matter.

The Court conducted a hearing on the matter on September 29, 2006, to determine if there was probable to allow this matter to proceed. Elise Munn, who was appointed as a special prosecutor by the Circuit Court of Jefferson County, Mississippi, appeared on behalf of the affiant. The Court heard testimony from the affiant, D. W. Jackson, and viewed the videotape of the alleged incident. After hearing the testimony and viewing the video, the Court finds that there is no probable cause to support the allegations in this case and therefore, the matter is

dismissed with prejudice.

IT IS THEREFORE ORDERED that this matter is dismissed with prejudice, no probable cause having been found to support any of the allegations herein.

SO ORDERED, this the 5 day of December, 2006.



UNITED STATES MAGISTRATE JUDGE